

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630
Chief, Criminal Division

GRANT P. FONDO (CABN 181530)
JEFFREY D. NEDROW (CABN 161299)
Assistant United States Attorneys

United States Attorney's Office
150 Almaden, Suite 900
San Jose, CA 95113
Telephone: (408)-535-5084
Facsimile: (408) 535-5066
E-Mail: grant.fondo@usdoj.gov
jeff.nedrow@usdoj.gov

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,) CR No.: 09-00096-LHK
Plaintiff,) AMENDED STIPULATION #3-DRUGS
v.)
NELSON ORELLANA,)
Defendant.)

The United States of America, by and through Melinda Haag, United States Attorney for the Northern District of California, Grant P. Fondo and Jeffrey D. Nedrow, Assistant United States Attorneys, and Nelson Orellana, by and through his attorney Phil Vaughns, hereby agree and stipulate to the following:

1. Cocaine is a Schedule II controlled substance.
2. United States' Exhibit 1 was taken from a black Honda, CA license plate T487, in the Lowe's hardware store parking at 881 East Arques Avenue, Sunnyvale, California on January 13, 2009.
3. The defendant does not object to the admission of United States Exhibit 1 on the basis of chain of custody, hearsay, authenticity or best evidence.
4. United States' Exhibit 1 was tested by Forensic Chemist Kacie M. Crowther and

found to have a net weight of 993.8 grams of cocaine.

5. United States' Exhibit 1B is the packaging material in which Exhibit 1 was wrapped at the time of its seizure. The defendant does not object to the admission of United States' Exhibit 1B on the grounds of chain of custody, hearsay, authenticity or best evidence.

6. The defendant agrees that this stipulation may be read to the jury.

DATED: _____ Respectfully Submitted,

MELINDA HAAG
United States Attorney

/s

/s

PHIL VAUGHNS
Attorney for Nelson Orellana

GRANT P. FONDO
JEFFREY D. NEDROW
Assistant United States Attorneys

IT IS SO ORDERED:

HON. LUCY L. KOH
United States District Judge

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